

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**BARBARA A. WILHELM,**

**CIVIL NO. 1:CV-01-1057**

## Plaintiff

**V.**

**COMMONWEALTH OF  
PENNSYLVANIA and THE  
PENNSYLVANIA STATE POLICE,**

## Defendants

## ORDER

Before the court is Plaintiff's motion to compel payment of damages, attorney's fees and costs plus interest. On May 8, 2003, a judgment was entered in favor of Plaintiff in the amount of \$280,020.17 plus interest at the rate of \$12.62 per day. On August 15, 2003, an award of attorney's fees and costs was entered in favor of Plaintiff in the amount of \$190,232.00 and \$27,907.05 respectively.

Defendants refuse to pay the judgment, attorney's fees, costs and interest but do not oppose paying interest on the attorney's fees and costs at the rate of 1.26% from the date of the award until paid in full. (Defendants' Br. In Opp. To Mot. To Compel at p. 7.) Defendants oppose payment of the other awards until Plaintiff's appeal is decided.

It appears that since the filing of the motion to compel, Defendants have issued a check for the attorney fees and costs but did not include the interest on the same.

Plaintiff's appeal only raises issues concerning the failure of the court to reinstate her to her former position. Any decision thereon would not affect the current judgments. Defendants have not filed a cross appeal. The only reason given for nonpayment of the judgment is that Defendants believe the outcome of the appeal would impact on a settlement of the case. This reason is insufficient to justify nonpayment of the judgment in light of the failure of mediation to date.

**IT IS THEREFORE ORDERED THAT:**

- 1) Defendants shall pay to Plaintiff interest at the rate of 1.26 percent per day from the date of the entry of the award of attorney's fees and costs to the date paid.
- 2) Defendants shall pay to Plaintiff the sum of \$280,020.17 plus interest at the rate of \$12.62 per day until paid in full.
- 3) Defendants shall have until April 15, 2004 to make the payments above.

s/Sylvia H. Rambo  
Sylvia H. Rambo  
United States District Judge

Dated: March 26, 2004.